

PUBLIC HEARING of the Town Council held Wednesday, October 27, 2004 at 7:00 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

MEMBERS ABSENT: Councilors Edward F. Bonczek and Louis Bleiweis were excused due to a prior commitment.

Relative to proposed changes to the Town Ordinances, to consider and act on:

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE TOWN OF BURRILLVILLE, RHODE ISLAND; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

NOTE: The above was duly advertised in the Legal Section of the Woonsocket Call on Thursday, October 21, 2004.

1. Comments/Input/Recommendation by Administration (Town Solicitor, Town Manager).

Walter J. Kane, Town Solicitor, explained that the codification updates the code of ordinances for the Town. References were updated, he said, to reflect changes that resulted from the adoption of the Town Charter. Certain areas, such as the building code, would be repealed since State law supersedes the earlier ordinance. He described the format, which provides for maintaining the code. Mr. Kane said that he has reviewed the document and recommended approval.

Michael C. Wood, Town Manager, expanded on the solicitor's comments, stating that the code is simply an organization of the ordinances previously passed, elimination of obsolete ordinances.

2. Proponents: None

3. Opponents:

Kevin Blais of Tarkiln Road asked for clarification related to State law superseding local ordinance. Walter J. Kane, Town Solicitor, explained that, in the past, each municipality had a building code. When the State adopted a state-wide building code, it became binding on every city and town, effectively repealing the local building codes.

4. Town Council Members Comments/Input:

Councilor William E. Gonyea commented on the size of the code and stated that he supported adoption.

5. VOTED to close the public hearing.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Ronald E. Faford and William E. Gonyea. Councilor Louis Bleiweis and Edward F. Bonczek were excused.

6. VOTED to adopt

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE TOWN OF BURRILLVILLE, RHODE ISLAND; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

The Town Council of the Town of Burrillville hereby ordains:

Section 1. The Code entitled “Revised General Ordinances, Town of Burrillville, Rhode Island,” published by Municipal Code Corporation, consisting of chapters 1 through 30, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before June 23, 2004, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 and cost of prosecution or by imprisonment not exceeding 30 days or by both such fine and imprisonment and/or by restitution in cases involving property damage or personal injury in an amount up to \$2,500.00 and/or by voluntary community service for not more than ten days for any one offense, unless other penalties therefore or penalties within other limits, are specially prescribed by state statute. Each act or violation and each day upon which any such violation shall continue

or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after June 23, 2004, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective on December 1, 2004.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Ronald E. Faford and William E. Gonyea. Councilor Louis Bleiweis

and Edward F. Bonczek were excused.

VOTED to adjourn.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Ronald E. Faford and William E. Gonyea. Councilor Louis Bleiweis and Edward F. Bonczek were excused.

The meeting was taped. The tape is on file with the minutes.

Louise R. Phaneuf, Town Clerk